

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CARL JAMES CAVINESS	§	PETITIONER
v.		§
JIM HOOD and DALE CASKEY	§	RESPONDENTS

**ORDER ADOPTING PROPOSED FINDINGS
OF FACT AND RECOMMENDATION**

BEFORE THE COURT is the Proposed Findings of Fact and Recommendation [13] entered by United States Magistrate Judge Robert H. Walker on October 21, 2010. Judge Walker recommends that the Respondents' Motion [10] to Dismiss Carl James Caviness' Petition for Writ of Habeas Corpus be granted and that Caviness' Motion [12] to Recalculate Sentence be denied.

Caviness was advised that he must file any objections to Judge Walker's recommendations within fourteen days of being served with a copy of the Proposed Findings of Fact and Recommendation. The Court record reveals that the Proposed Findings of Fact and Recommendation was sent to Caviness on October 21, 2010, but he has not filed an objection.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th

Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Proposed Findings of Fact and Recommendation entered by Judge Walker should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [13] entered by United States Magistrate Judge Robert H. Walker, be, and the same hereby is, **ADOPTED** as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Respondents' Motion [10] to Dismiss Carl James Caviness' Petition for Writ of Habeas Corpus as untimely is **GRANTED** and Caviness' Motion [12] to Recalculate Sentence is **DENIED**. This lawsuit is **hereby DISMISSED**.

SO ORDERED AND ADJUDGED this the 19th day of November, 2010.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE